

REMARKS

Claims 66-82 were examined in a subject Office action dated 28 March 2008 and all finally rejected. In response thereto, claim 66 has been amended, claims 173-183 have been added, and claims 67-82 remain currently pending in the subject application under active prosecution, as shown on pp. 2-6 of the Reply. Applicants assert that the amendments are supported by the originally filed Specification and do not introduce new subject matter.

The novel aspects were conveyed by telephone and facsimile to the Examiner on May 8, 2008. Applicants appreciate the consideration given to this remarks, which are herein incorporated in their entirety in this Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 66-82 Under 35 U.S.C. §102(e)

Claims 66-82 stand rejected under 35 U.S.C. §102(e) as being anticipated by Carroll, *et al.* (US Patent No. 6,285,757). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Carroll et al. does not disclose or suggest each and every limitation of applicants' claimed invention as amended.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); See *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Turning to independent claim 66, the claim as amended recites in part automatically modeling values of other state attributes based at least in part on the sent values of the state attributes *by abstracting a user condition derived from the sent values of the state attributes*. This amendment is supported in at least Paragraph [0054].

In rejecting claim 66, the Examiner relied upon Carroll to teach a method for user characterization system executing remotely from a thin client wearable computer (FIG. 1, remotely device 160; Col. 2, ll. 30-45; Col 6, ll. 35-37) to provide information about a

current state of a user of a thin wearable computer, the user characterization system modeling the current state with multiple state attributes and including state server module (SSMs) to supply values for the state attributes (Col. 5, ll. 39-43, in which the sensors 170 provides information corresponding to state attribute), state client modules (SCMs) to process values for the state attributes (Col. 7, ll. 36-39, in which sensor 170 also processes information on surrounding environment), and an intermediary module to facilitate exchange of state attribute values (Col. 7, ll. 26-28, the interactive device corresponds to the intermediary module that can exchange the sensor information between inward and outward). The Examiner went on to equate the first limitation (a) with Carroll at Col. 5, ll. 43-44 wherein the sensor corresponds to the SSM and sends the distance information and lens provides the enhanced view. The second limitation (b) was equated with Carroll at Col. 7, ll. 43-45, the interactive device can receive signals from GPS.

Applicants direct particular attention to the third limitation (c) that was equated with the teaching of Carroll as follows.

Under control of the intermediary module (interactive device), facilitating exchange of values by, receiving the sent values for the state attributes from the SSMS (Col. 5, ll. 43-44, interactive devices receives the information from sensor); automatically modeling values of other state attributes based at least in part on the sent values of the state attributes; and sending at least some of the received state values and at least some of the modeled other state attributes to the SCMs (Col. 5, ll. 40-42, and conjunction with the lens (one of the SCMs) to provide the enhanced viewing); and interacting with the thin client wearable computer in order to provide information about the user or to receive information about the user, the interacting being based at least in part on the modeled other state attribute values, so that the remotely executing user characterization system can obtain and provide information about the current state of the user of the thin wearable computer (FIG. 3, interactive device can remotely communicate with components 150, 160, 170).

Applicants greatly appreciate a particular response to arguments presented in the Reply dated December 18, 2007. Specifically, the Examiner held that Carroll fails to teach 'the modeling of context values' and went on to state the following:

Examiner submits that where modeling has been interpreted as a

demonstrative presenting [of context values], Carroll discloses such modeling of context values in the following: See where Carroll teaches an automatic zoom feature where based on detection of sharp movements by the sensors, the values determined are reflected and modeled through either a zoom in or zoom out. *Examiner suggests clearly defining the steps of modeling of context values and amend the claim language as such to address the means by which the context value are modeled.* [Emphasis added.]

Applicants appreciate the suggestion. In order to expedite allowance and issue of the present application, claim 66 has been amended to address the nature of the modeling as suggested. To give further support by claim differentiation, new claims 173-183 that depend from claim 66 have been added to specify particular aspects of modeling of a current context as expressed in at least Paragraph [0054].

The relied upon automatic magnification feature of Carroll cited by the Examiner fails to disclose *abstracting a user condition derived from the sensed values of the state attributes*. Instead, user proximity to a display is directly sensed. The use of this directly sensed proximity does not equivalent to characterizing a state attribute of the user but rather changes a state of the device, specifically a degree of magnification.

Consequently, reconsideration and allowance of claim 66 is respectfully requested, as well as for claims 67-82 and 173-183 that depend there from.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063[MSFTP1899USD].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/David E. Franklin/

David E. Franklin

Reg. No. 39,194

AMIN, TUROCY & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731